

**To:** Szelag, Matthew[Szelag.Matthew@epa.gov]  
**From:** Fleisig, Erica  
**Sent:** Tue 3/15/2016 12:36:32 PM  
**Subject:** Re: Discuss NWEA petition for WA ALC and possible response

Whaa? Who's hijacking?? :-)) Sounds like a decent plan to discuss it all. Hope we have enough time.

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**From:** Szelag, Matthew  
**Sent:** Monday, March 14, 2016 8:23:37 PM  
**To:** Fleisig, Erica  
**Subject:** RE: Discuss NWEA petition for WA ALC and possible response

FYI – I think there's a motion to use a substantial portion of this meeting to prep for Thursday's meeting with NWEA. However, we still want to reserve some time to discuss the petition response as that could come up in the meeting with NWEA as well.

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-----Original Appointment-----

**From:** Fleisig, Erica  
**Sent:** Tuesday, February 23, 2016 10:16 AM  
**To:** Fleisig, Erica; Szelag, Matthew; Fidis, Alexander; Berol, David; Buffo, Corey; Schroer, Lee; Chung, Angela  
**Cc:** Fabiano, Claudia  
**Subject:** Discuss NWEA petition for WA ALC and possible response  
**When:** Tuesday, March 15, 2016 4:00 PM-5:00 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** DCRoomWest6105ERockCreek/DC-EPA-West-OST

Assuming we get an extension on our response from 3/3 to the first week in April, we wanted to have a discussion about our response. Scheduling this for when Matt is back in the office, which will still give us ~3 weeks to develop a response.

Call-in: **Ex. 6 - Personal Privacy**

**Adding Matt and David's exchange below, and attaching the petition docs:**

Hi David,  
Thanks for taking the time to summarize the series of petitions for everyone. Ultimately, I think we'll need management to decide on the approach we would want to take on a potential response (adding

Angela) and I'm happy to set up a conversation if we want to talk about the pros and cons you've described. As Erica stated, we spent some time writing up a draft response to the petition (attached) which is now a bit outdated with the latest follow up letter from NWEA. However, you'll see the response was very general and definitely didn't get into detail on the information provided in the petitions.

I've answered some of your questions in red below.

## **Ex. 5 - Attorney Client**

- In their August 31, 2015 follow-up letter, they have three main arguments:
- The Oregon and Idaho BiOps called jeopardy on arsenic, copper, selenium, cyanide, and mercury and show that Washington needs to revise their criteria for these pollutants:

## **Ex. 5 - Attorney Client**

- The Orca Recovery Plans show that Washington needs tougher WQS:

## **Ex. 5 - Attorney Client**

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- The Services' criticism of the Industrial Stormwater General Permit shows that Washington needs tougher WQS, for copper in particular.

# **Ex. 5 - Attorney Client**